P. F. 96893

G. R. S. 1X-5]

Previous references. 1893-94

192

(R.)

File No. 124 of 93

Serial Nos 1–5

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1–5

Register ~~Part~~ B for July 1893.

SUBJECT.

Appeal of Banapa of Bisiteli against Talati regarding the claim to patel.

Considered P.T.

Proceed

B.B.

(5)

Mhe

Appellant

Respt

In 1893 four persons named
(1) Ramajiai (2) Annaji Appaji (3) Vijiai
and (4) Guru Vadajiai sued one
Narayanai for the declaration of
their right to the Puja of Patil of
Kinnavalli

During the pendency
of the suit the said Puja and pro-
perty, two sheds, Kalli Kumpiyai
and Ramajiai, filed a Pursis
stating that the said

(1) Krishnajiai
(2) Ramajiai
(3) Vijiai and
(4) Narayanai

were joint trustees of the Puja
and that it was agreed that they
should have the right to appoint

relief they were entitled to under the Razeenamah;
and
~~and~~ the error or omission of names referred
above cannot deprive them of their rights
under the Razeenamah which are clearly
affirmed by the decree. The argument of
the Dy Govt that Peki Banappah was
not a party to the decree and has no
locus standi is, therefore, untenable
The decree has been carelessly
drawn up. The relation allowed
by the Razeenamah in favor of Lingappah
and Banappah is specified in the decree
but no allusion is made to the
relation of Govt and Dy Commissioner
In this respect the decree no
doubt requires amendment, but it
is for Govt and ought to apply
for the amendment. So far as
Banappah the Peki is concerned, the
decree declares his right and
he is, therefore, entitled to apply for
execution of the decree in his
favor. The Advocate for Govt conceded
that the technical ground upon which

Removed
application
execution
ground

4

The Dy Com rejected Banappahs application
cannot be supported but he contended
that the present Peti, Man appah
was not a party to the Rajenamah
but another person of the same
name. On this point there has
been no enquiry - The order appealed
against will be reversed and
the Dy Com will be directed to
dispose of the Peti application on
the merits after proper enquiry
as to his identity -

CJ. 24/1/94.

24/1/94

a fermé à trois ans, and that
the Petition should commence with
their engagement from 1st Juin 1891.
The Agreement was executed
on 22d. Nov 1890, and after some explan-
ation the auditor, the Inspector
all the documents & the Agreement
as finished & the Court directed, on
the 18th March 1891, that a decree
should be drawn up in accordance
with the Agreement filed by
the Pltffs and Defts — Petition
claim from the declaration withdrawn
the Agreement and the orders
passed by the Court on the 7th March
1891; that the engagement and
Passports only regarded as Entries
for the Suit, and that no Appeal or
Counter Claim was to be
received in the hearing of the Cause —
the decree, however, from the

5

Posted to 14th Dec 93 for hearing.
23-1-94 Notice of the date of the hearing
Appt.

Precis

Appeal Suit No 12 of
1893-94.

Appellant:—
Banappa of Bidarakatti
Jajalur Taluk.

Respondents:—

1 Danappa
2 Sankappa
3 Ajjappa
4 Gurusiddappa
} Plffs.

5. Patil Lingappa Deft.
6. Kallalingappa
of the same village.

Adjourned to
Technical for
Members Bellgaum
who consider the
point
23/1/94

In 1890, the Respondents 1 to 4, who are brothers, sued to recover the office of Patil of Bidarakatti from the 5th Respondent, stating that the office was hereditary to their family, and was held by their father Lingappa till 1875, that on his death

It was ordered that the Revenue and Police duties of village should be performed by separate individuals, the Defendant's elder brother Kallaiya was appointed Police Patel of the village, & until from that time, he and the Plaintiffs father performed the duties till the Pofaji Settlement in 1878, when the former was appointed as the sole Patil of the village and the Plaintiffs rights were not considered.

The Defendant contended that the Plaintiffs and himself being the descendants of two branches of one and the same family were equal Hakdars of the Patil of Bialunalli, that his brother was the sole Revenue Patil of the village from 1873 and was confirmed at the time of Pofaji Settlement in 1876, that on his death in 1882, the Defendant was appointed to the office as he was the deceased Patil's brother as well as Hakdar, and that therefore the Plaintiffs had no right to oust him from the office.

While the case was pending

22/11/90.

7

The parties present a Petition to the Amildar of Jafrabad stating that disputes the Plaintiffs and the Defendants have now to the Mamlatdar to the Public in Question, and they do hereby all joined together and enter into the following agreement:—

"

1 Kallekingappa son of Gurusiddappa Kotter Bhimappa.

1 Bhimaigaa son Banappa

1 Appappa the 3rd Party.

14. The Defendant Cosignappa.

The above-mentioned four persons are equal Sharers to the Patil Hak. Therefore it pray that the Court may be pleased to enter their names of these four persons in the Patrak Register. (The Panchayat to the following arrangement.)

The Defendant Bhimaigaa Minas hold the office upto the end of March of the year.

"..... the Plaintiffs and Defendants having effected a compromise among themselves and having presented a Razinama agreeing to hold the office of Patel by turns of two years each, it is decreed as follows in accordance with the terms of the Razinama —

(1) Kallay Lingappa son of Bhimappa to officiate for two years from 1st April 91 until his turn comes again.

(2) Banappa son of Bhima for two years from 1st April 93 until his turn comes again.

× × × × × × "

On 7th June 1893, the Appellant-Banappa presented an application for the Execution of the above decree, and prayed that he may be put in charge of the Patelki which was held by the Defendant-Lingappa. The 3rd, 5th and 6th Respondents

opposed the application, stating that the applicant had no Locus Standi, and that the Banappa referred to in the decree was a different person (Vide the judge's note of 17. 6. 93)

The Dy Commissioner Mr. C. Srinivasa Iyengar held that the decree containing not a word about the Plaintiffs or Defendant, did not decide the controversy between the parties to the suit, that it seemed incapable of execution, that there was nothing in the decree

1 Then from April 1894,
Kalle Singaji son of Gurudittaji
broke Bhimaji elected
the office for two years.

1 After him, Bhimaji, son
Banaji elected for the office
for 2 years from April 1896.

1 Afterwards the 3rd Plaintiff
Ajjappa elected for the office
for two years from April 1898

1 Then the Defendant Singaji
elected to the post for two years
from April 1899 to the end
of March 1899.

/ × × × × "

They stated that they had
all agreed to the above Arrangement
and prayed that it might be
entered in the Register and that
a decree be drawn to them.

On the Application before
the Deputy Commissioner
Mr Linnadyatta directed
that a decree be drawn up
" in accordance with the Arri-
vement filed by the Plaintiffs and Defendants. "

× 20/4/99

The decree, dated 15th
March 1899, runs thus:—

(1) That in the body of the decree the Appellant's name is mentioned as a person entitled to the shares and to be the date of Publication April 1893.

(2) That the decree does not purport to be, in pursuance of the Ratification signed by the parties.

(3) That at the time the suit was filed the Plaintiffs had not included all the shareholders as parties to the suit and at the final settlement of the case all the necessary parties were before the Court, and they all in a body presented the Ratification.

(4) That the non mention of the Appellant's name & the Respondents names at the hearing of the decree is not a sufficient reason to appeal the said decree the Appellant prayed for in the Lower Court.

The Appellant prays that the decree may be rectified

(General Serial No. 32.)

1893. (2)

No. 114

Name of Petitioner. Banappa, son of Bhee... by her: D. Venkatramayya.

Village. Bishtanelly

Taluk. Jagalur

District. Chitaldroog

Date of Arzi. 13th July 1893

Date of Receipt. 14th July 1893

Date of Disposal.

No. of Enclosures. three

L. R. 12th—93—1

ABSTRACT.

c/s/peals against the orde... of the Deputy Commissi... of Chitaldroog in Rev... mis: no: 2 of 1892-93 + prays that the decree ma... be rectified in accordan... with the terms of the Razina... + that the c/s/pellant ma... be ordered to do the dutie... of the Potail in his turn in pursuance of the Razina...

15/7.

in accordance with the terms
of the Ratification and that
the Appellant be ordered to
do the acts of the Parties in
his turn in pursuance of
the Ratification.

S.V.

Rs. Vestibule
13-7-93
not chargeable

Rs. Vestibule
13-7-93
not chargeable

Revenue Stamps
Rs. 14/7

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. N. 1146
DATE 14-7-93

(1)

Rs.

Received
Mysore
14/7/93

To
The Commissioner of Mysore
Bangalore.

Sir,

I have the honour to forward herewith a petition of Appeal in Revenue Case No. A.S.No 12 Bangalore 93-94 of 1893-94

Appellant
Banajha, son of Bheemapa, residing at Bichlanally village, Jagalur Taluk.

Respondents
1. Danajha
2. Lankappa
3. Ayyajha
4. Gurumidiappa (Pleff).
5. Patel Dengappa son of Banajha (Defts)
6. Kalle Angappa son of Bhimappa
All residing at Bichlanally village, Jagalur Taluk.

I have the honour to be,
Sir,
Your most obedient servant,
Illegible

The Appellant above named begs to appeal against the order of the Deputy Commissioner of Chitaldrug in Rev. Suit No 2 of 1892-93 for the following reasons:—

1. That the Deputy Commissioner erred in not ordering the appellant to take charge of the office of Patel as per decree in Revenue Case No 5 of 1890-91.

2. That in the body of the decree the right hand is mentioned as a person entitled to the Hak and to do the work of the

Patel

Two Rupees

ಸಕ್ 189 3ನೇ ಇಸವಿ ನಂಬರ್

ಪ್ರತಿವಾದಿ.

ಗೆ

ಬರಸಿ ಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮೆ

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನನ್ನ ಪರವಾಗಿ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ಅರ್ಜಿ ವಗೈರೆ ಕೊಟ್ಟು, ವಿವಾದಿಸಿ ಫೈಸಲ್ ಹೊಂದತಕ್ಕ ಬಗ್ಯ, ಅಮಲ್‌ಜಾರಿ ನಡೆಸತಕ್ಕ ಬಗ್ಯ ಮತ್ತು ನನಿಗೆ ಸ್ಲ್ಲತಕ್ಕ ಡಿಕರಿ ಮೊಬಲಗು ದಸ್ತ್ವೆಜು ವಸ್ಯೆರೆ ತೆಗದುಕೊಂಡು ರಸೀದಿ ಕೊಡುವದಕ್ಕೂ ಸಹಾ ತಮಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ, ಆದ್ದರಿಂದ ತಾವು ನನಿಗೋಸ್ಕರ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪುತ್ತೇನೆ.

ತಾರೀಖು 12ನೇ ಜುಲೈ
ಸಕ್ 189 3ನೇ ಇಸವಿ.

ರುಜು

ಆಂಗೀಕರಿಸಿ ಬರುತ್ತೇನೆ.

ಈ ಮೊಕ್ತ್ಯಾರ್‌ನಾಮೆ ಕೊಟ್ಟವರು ನನಗೆ ಪರಚಯಸ್ಥರು ನನ್ನಸಮಕ್ಷಮ ಇದಕ್ಕೆ ರುಜು ಮಾಡಿ ಇದ್ದಾರೆ ಆದ್ದರಿಂದ ನಾನು ಸರ್ಟಿಫೈ ಮಾಡಿದ್ದೇನೆ.

ಬೆಂಗಳೂರು ವಿಚಾರದರ್ಪಣ ಪ್ರಸ್ ೧೪೯೩.

Potti from April 1893 65

3. That the decree was in pursuance of the Rajnama presented by the parties.

4. That at the time the suit was filed the Defts had not included all the share-holders as parties to the suit.

5. That at the final settlement of the case that all the necessary parties were before the Court, and they all as a body presented the Rajnama.

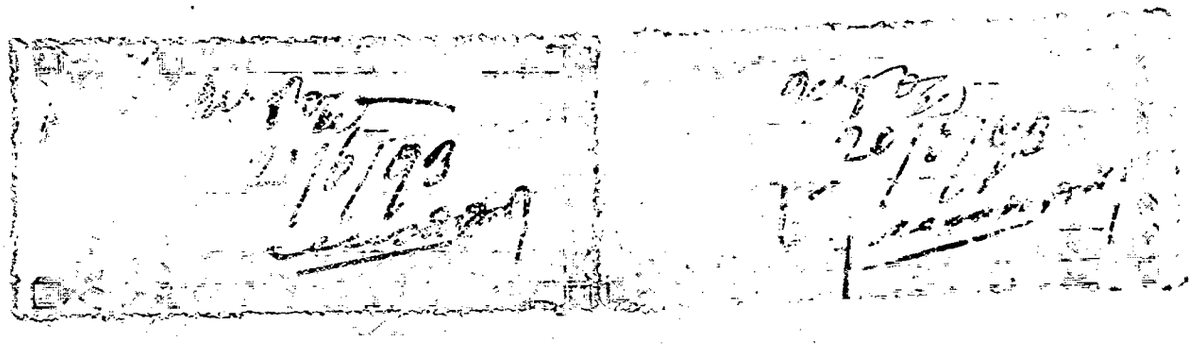
6. That the decree itself purports to be in pursuance of the Rajnama.

7. That the mere omission of the appellants and the 6th respondent's name at the hearing of the decree is not a sufficient reason to refuse the relief which the appellants prayed for in the Lower Court.

For these reasons the appellants pray that the decree may be rectified in accordance with the terms of the Rajnama and that the appellant be ordered to do the duties of the Potti in his turn in pursuance of the Rajnama.

Trincomalee
15th June 93.

D. Vm. Mahatmee Esqr
Advocate for appellants



In the Court of the Deputy Commissioner
Bellary District
Revenue Miscellaneous Case No. 2 of 1892-1893.

This 17th day of June 1893.

Present C. Srinivasa Iyengar Esqr.
Deputy Commissioner.

Petitioner
Ramappa

vs

Counter Petitioners
Virupakka
Ajjappa
Kalli Linga Appa.

Order -

This is a very peculiar case. Plaintiff Ramappa, Ramakka, Virupakka and Gurnidakka filed a suit against defendant Virupappa for the establishment of their right to the office of Patel of Kaddakalli. During the pendency of that suit the five persons and one Kalli Linga Appa and Ramappa preferred a Rajinama and prayed that a judgment be passed in accordance with the terms therein. The Rajinama was a record of a settlement whereby the office of Patel should be held by rotation by the 3rd plaintiff, defendant and the two additional persons above named

put in possession of the office which at present is held by defendant Soriyappa The defendant, the plaintiffs and Kalli Singappa oppose the application. There is nothing in the decree to justify my compelling the defendant to hand over charge of the office to the Petitioner. In the first place the Petitioner was not a party to the suit and has consequently no locus standi. In the next place the decree imposes no obligation on the plaintiffs or defendant. I prefer therefore from the other grounds on which the petition is resisted. I think find that on the ground above mentioned the Petioner's prayer is unmaintainable. I accordingly dismiss this application.

D/19/6/1893. (Signed) G. Sreenivasa Iyengar
Deputy Commissioner

True Copy

Revenue Sheristedar

Date of Copy Application 20-6-1893
Date when Copy was ready 21-6-1893
Date when Copy was given 21-6-1893
Copy fee -7-6
Comparing fee -1-8.
No. of Words 405.
Compd.

Revenue Sheristedar

The Case Deputy Commissioner (Mr. Srinivasa Rao) directed that a decree be drawn up "in accordance with the Rajinama filed by the Plaintiffs and defendants". As already observed, there was only one defendant in the case namely Singaya. Kalli Singayya and Banayya were not added as either Plaintiffs or defendants. The use of the Plural "defendants" seems to show that Mr. Srinivasa Rao was under the impression that Kalli Singayya and Banayya had been brought upon the record as additional defendants. This was an erroneous impression. The decree prepared in the office and signed by Mr. Srinivasa Rao contains the name of Singaya alone under the head "defendants". Moreover the decree which purports to be a formal reproduction of the terms of the Rajinama contains no direction about the Plaintiffs or defendant. It does not decide the controversy between the parties to the suit. It simply directs that Kalli Singayya should officiate for two years from 1st April 1891 and Banayya for the succeeding two years. There is no direction that either the Plaintiffs or the defendants should also officiate by rotation or that they should afterwards surrender the office to the two persons named above. The decree seems thus incomplete and erroneous. Banayya admits to the suit

Received
5/6/1891
Cuddalore

In the Court of the Deputy Commissioner of the Chidambaram District.

This 16th day of March 1891.

Present: C. Ramachandra Rao, B.A.
Deputy Commissioner.

Suit Original Case No. 62 of 1890-91

Plaintiffs.

1. Ramakka
2. Sivakolunthu
3. Sivakka
4. Gurunathakkal of Vicharavalli village.

Jagatsa Saluk.

Defendants.

1. Vinayaka Sastri
2. Arumuga Pillai
of Vicharavalli village.

Jagatsa Saluk.

Decree.

This suit for the establishment of the rights of the Plaintiffs to the office of Pujari of Vicharavalli village in the Jagatsa Saluk. The Plaintiffs and Defendants having effected a Compromise among themselves and having

ಸನ್ 1890-91 ನೇ ಸಾಲಿನ ಪ್ರಾಥಮಿಕ ಶಾಲೆಗಳ
ಪರೀಕ್ಷೆಯಲ್ಲಿ ತೇರ್ಗಡೆಯಾದ ವಿದ್ಯಾರ್ಥಿಗಳ ಹೆಸರು.

ಶ್ರೀ ಕಂಠಪುರ ಶಾಲೆ

1 ದೊಡ್ಡಯ್ಯ
2 ಚಿಕ್ಕ-ಕೃಷ್ಣ
3 ಅಚ್ಚಿ ಕೃಷ್ಣ
4 ಸಾಮಾನ್ಯಕೃಷ್ಣ

ತಾರೀಖು 22-11-90 ನೇ ಇಸವಿ.

ಮೇಲಿನ ಸನ್ನದು-ದಿನಾಂಕದಲ್ಲಿ ಸೂಚಿಸಿರುವ ಪ್ರಕಾರ ಪರೀಕ್ಷೆಯಲ್ಲಿ ತೇರ್ಗಡೆಯಾದ ಮೂರು ಹುಡುಗರಿಗೆ ಬಹುಮಾನಗಳನ್ನು ಕೊಡಲಾಯಿತು.

ಮೇಲಿನ ಸನ್ನದು-ದಿನಾಂಕದಲ್ಲಿ ಸೂಚಿಸಿರುವ ಪ್ರಕಾರ ಪರೀಕ್ಷೆಯಲ್ಲಿ ತೇರ್ಗಡೆಯಾದ ಮೂರು ಹುಡುಗರಿಗೆ ಬಹುಮಾನಗಳನ್ನು ಕೊಡಲಾಯಿತು.

ಅವರಲ್ಲಿ ಒಬ್ಬನಾದ ಚಿಕ್ಕ ಕೃಷ್ಣನಿಗೆ ಕೊಡಲಾದ ಬಹುಮಾನವು ಅವನ ತಂದೆಯಾದ ಸಾಮಾನ್ಯಕೃಷ್ಣನಿಗೆ ಕೊಡಲಾಯಿತು. ಅವನು ಬಹಳ ಬಡವನಾಗಿದ್ದು ಅವನ ಮಗನಿಗೆ ಬಂದ ಬಹುಮಾನವನ್ನು ಅವನಿಗೆ ಕೊಡಲಾಗಿ ಅವನು ಅದನ್ನು ಸಂತೋಷದಿಂದ ಸ್ವೀಕರಿಸಿದನು.

ಮೇಲಿನ ಸನ್ನದು-ದಿನಾಂಕದಲ್ಲಿ ಸೂಚಿಸಿರುವ ಪ್ರಕಾರ ಪರೀಕ್ಷೆಯಲ್ಲಿ ತೇರ್ಗಡೆಯಾದ ಮೂರು ಹುಡುಗರಿಗೆ ಬಹುಮಾನಗಳನ್ನು ಕೊಡಲಾಯಿತು.

1 ಸಾಮಾನ್ಯ ಪರೀಕ್ಷೆಯಲ್ಲಿ ಪ್ರಥಮ ಸ್ಥಾನ ಪಡೆದವನಿಗೆ ಕೊಡಲಾದ ಬಹುಮಾನ-ಶ್ರೀ ಲಾಂಛನವಿರುವ
1 ಶ್ರೀನಿವಾಸ ಪುರಾಣ ಪುಸ್ತಕವು—
1 ಸಾಮಾನ್ಯ ಪರೀಕ್ಷೆಯಲ್ಲಿ ತೇರ್ಗಡೆಯಾದವನಿಗೆ ಕೊಡಲಾದ ಬಹುಮಾನ ಅಚ್ಚಿನ ಕೃಷ್ಣನಿಗೆ
1 ಶ್ರೀ ಕಂಠಪುರ ಶಾಲೆಯ ಮೇಲ್ವಿಚಾರಕರು—

1 [illegible] 1899 [illegible]
[illegible]
[illegible]

1. [illegible]
1895 [illegible]
[illegible]

1. [illegible] 1897 [illegible]
[illegible] 1899
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
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[illegible]
[illegible]

[illegible]

A. Vedantadesayungaru [illegible]
[illegible]

[illegible] 20-6-1893
[illegible] 21-6-1893
[illegible] 21-6-1893
[illegible] -- 3 --
[illegible]
[illegible] 210.

[illegible]

having presented a Razinama agreeing to hold the office of Arsi for term of two years each, it is decreed as follows in accordance with the terms of the Razinama.

(1) Kalloy Lingappa Pan at Bhuvanagiri is appointed for two years from 1st April '91 until his term comes again.

(2) Ramappa Pan at Chilama for two years from 1st April '93 until his term comes again.

His Lordship ordered that each party do bear his own costs.

"Signed" T. Ramachandra.
Asstt. Commissioner.

"True Copy"

Chief Clerk

Chittaldrug Dist.

C. Venkayya Pan

Pan: Shirastadar.

Date of application 5-6-93. Copy ready 7-6-93
Date when copy was ready 26-6-93 Copying fee 1-3-0
Date of delivery 6-6-93. Comparing fee 0-0-8

C. Venkayya Pan
Pan: Shirastadar.

(General Serial No. 30.)

1893. 2819. (4)

25

From The Deputy Commissioner
Chitaldroog Division

L.R. 121 - 93-3

To

The Chief Secretary to the Dewan
of Mysore.

Dated 26th

Despatched 28th August.

Received

Enclosures No. Records sent separately

General No. 152

No. 130

In reply to No: 277 of 15th instant.

SUBJECT.

Submits entire records in the Case of one Banappa of the Jagalur Taluk & states that the English Order passed by him on the subject Contains all the facts of the Case.

Petn Br.
Mrn
29/8

References (to be entered only in the Dewan's Office).

Pet 277

94

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT. (3)

OFFICIAL MEMORANDUM.

The accompanying Petition No. 114 A3 12

dated 13 April 1893 received at the Dewan's Office from Ramachandra Bishtara [illegible], Jagalur Taluk, appealing against the decree passed by the Assistant Commissioner, Harihar, dated 17th March 1893 in Original Suit No. 2 of 92-93 decreeing to the plaintiff the possession of the share of Patel of Bisalahalli in respect of a former decree

is forwarded, together with its three enclosures, to the Assistant Commissioner, Chitaldrug District, for submission of proceedings with a report on the facts of the case and on the points taken in the petition.

2 The petition should be returned.

By Order,

Draft

15 Aug 1893

BANGALORE, 15th August 1893.

Chief Secretary.

M. G. C. P. Bangalore.—21-11-92—3,000.

From the Asst Com Chitaldrug 15th Aug 1893 No. 130

No. 1512 Secl
130 Record
Chitaldrug Dist.

Dy. Mty. Commissioner's Office
Chitaldrug District
Dated 26th August 193

(4)

To.

The Chief Secretary to the
Government of Mysore

Sir,

With reference to your
Official Memo No 277 dated the 15th
instant, calling for the submission
of the Proceedings with a report on
the petition of one Banappa of the
Jagalur Taluk, I have the honor to
submit the entire records in the
case & to state that the order passed
by me in English contains fully
the facts of the case..

I have the honor to be,
Sir
Your most obed. Servt
[illegible]
Dy. Mty. Commissioner
Chitaldrug Dist

Before the Government
of His Highness the
Maharajah of Mysore

Appeal No 12 of 1893-94

(5)

L.R. 12 to 93-4

Appellants
Ramappa, son
of Bheemappa
residing at Bettadalli
Jagalur Taluk

Respondents
1 Ramappa
2 Sankappa
and 4 others
of the same
village

Decision dated 24th
January 1894

In 1890 four persons
named (1) Ramappa
Sankappa (3) Nyamappa
and (4) Guru Siddappa
sued one Somappa for
the establishment of
their right to the office of
Patel of Bettadalli.

2. During the pendency
of the suit the said Plaintiffs
and Defendants with two
others, Malle Lingappa and
Bommappa, filed a Razi
namah setting forth
that the said
(1) M. Lingappa
(2) Bommappa

Commissioner on the 7th February and 18th March 1891, that K. Lingabhatla and Bannappah were regarded as parties to the suit, but that, through an oversight or clerical error, their names were not inserted in the heading of the Decree. The decree however, grants the relief they were entitled to under the Razeenamah, and the error or omission of names noticed above cannot deprive them of their rights under the Razeenamah, which are clearly affirmed by the decree. The argument of the Deputy Commissioner who dismissed the application for execution on the ground that Petitioner Bannappa was not a party to the decree and has no locus standi, is therefore

untenable. The decree has been carelessly drawn up. The rotation allowed by the Razeenamah in favor of Linganpah and Bannappah is specified in the decree but no allusion is made to the rotation of 3rd Plaintiff and Defendant Doraiappah. In this respect, the decree no doubt requires amendment, but it is for Plaintiffs and original Defendants to apply for the amendment. So far as Bannappah, the petitioner is concerned, the decree declares his right and he is, therefore, entitled to apply for execution of the decree in his favor. The advocate for Plaintiffs conceded that the technical ground upon which

(3) 3rd Plaintiff applicant and
(4) Defendant Jongaspan 25,
were joint leaders to the
office and that it was agreed
that they should hold office
by terms each for a period
of two years, and the rotation
that
should commence with the
Katie Langaspan from 1st
April 1891. The Razzenamah
was presented on 22d December
1890, and after some enquiry
through the Commissioner, the
Deputy Commissioner, treating
all the executants of the
Razzenamah as parties
to the suit, directed, on
the 13th March 1891, that a
decree should be drawn
up in accordance with
the Razzenamah filed by
the Plaintiffs and Defendants.
It is quite clear from the
declaration appended to
the Razzenamah and the
orders passed by the Deputy

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which the Deputy Comm.r rejected Bacchiraju's applic-ation cannot be entertained but he contended that the present Petitioner Bacchiraju was not a party to the Puzzerramah but another person of the same name. On this point there has been no enquiry. The order appealed against will be reversed and the Deputy Commissioner will be directed to dispose of the Petitioner's application on the merits after proper enquiry as to his identity

By order

Chief Secretary

Copy to the Deputy Commissioner Chicacole for information with the papers received with his No. 45 of 26th August 1893.

By order

Chief Secretary

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